

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca District Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445

Decision Record

Determination of NEPA Adequacy

DOI-BLM-NV-W010-2012-0022-DNA

“Full Force and Effect”

Decision

I have reviewed this Documentation of Land Use Plan Conformance and Determination of NEPA Adequacy (DNA) and have determined that the proposed action is in conformance with the approved Paradise-Denio Management Framework Plan (MFP) (1982).

On the basis of the information contained in the DNA Worksheet (attached), it is my determination that implementation of the proposed action will not have environmental impacts beyond those already addressed in the Vegetation Treatment on BLM Lands in Thirteen Western States Environmental Impact Statement (ROD 1991), the Normal Year Fire Rehabilitation Plan Environmental Assessment (EA# NV-020-04-21) (FONSI and DR 2004).

Based on CFR 43: Subchapter E, Subpart 5003.1 (b), and given the emergency nature of stabilization treatments, it is my decision to allow for immediate implementation of the project as described in the attached DNA and with the implementation of the following design measure:

- The BLM will monitor water availability on a weekly basis to ensure other water sources remain available for Wild Horses. This weekly monitoring will occur until all temporary fences associated with this rehabilitation plan are removed.

Approval of the proposed action is subject to standard operating procedures identified in the Normal Year Fire Rehabilitation Plan and Environmental Assessment #NV-020-04-21.

Rationale

- 1) The proposed action is in conformance with and is consistent with the Paradise-Denio Management Framework Plan (MFP).
- 2) Based on the environmental analysis, it is determined that the proposed action will not result in any undue or unnecessary environmental degradation of the public lands and is consistent with federal, state, and local laws, regulations, and plans.
- 3) The proposed action will not adversely impact any threatened or endangered species or significant scientific, cultural, or historical resources.

Preparer

\\s\ [Allie Henson] _____ Date 3/26/2012

Authorized Officer Signature

\\s\ [Michael
Truden] _____ Date 3/27/2012

Attachment: DNA DOI-BLM-NV-W010-2012-0022-DNA

Administrative Review or Appeal Opportunities

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Mike Truden, Field Manager, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).